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OPINION

October 28, 2010

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Ms. Illona A. Jeffcoat-Sacco
General Counsel
Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck, ND 58505-0480

PUBLIC SERVICE COMMISSION

Dear Ms. Jeffcoat-Sacco:

The Office of Attorney General has examined the proposed amendments to N.D.A.C. art. 69-06 concerning siting (Case No. PU-10-128), proposed amendments to N.D.A.C. ch. 69-09-08 concerning renewable electricity and recycled energy tracking (Case No. PU-10-129), and proposed amendments to N.D.A.C. § 69-02-01-06 concerning practice before the Commission (Case No. AD-10-167), along with the notice of the proposed rules, the publication of that notice, and the filing of that notice with the Legislative Council. This office has also determined that 1) a written record of the agency's consideration of any comments to the proposed rules was made, 2) a regulatory analysis was not issued or requested, 3) a takings assessment was not prepared, 4) a small entity regulatory analysis and an economic impact statement were not prepared because the rules are not expected to have an adverse impact on small entities or were expected to reduce costs for small entities, and 5) the proposed rules are within the agency's statutory authority.

These administrative rules are in substantial compliance with N.D.C.C. ch. 28-32 and are hereby approved as to their legality. Upon final adoption, these rules may be filed with the Legislative Council.

Sincerely,

Wayne Stenehjem
Attorney General

eee/vkk

cc: John Walstad, Legislative Council